

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,
a federally-recognized Indian tribal
government and as *parens patriae* on
behalf of the Enrolled Members of the
Confederated Tribes and Bands of the
Yakama Nation;

Plaintiff,

v.

ERIC H. HOLDER, JR., Attorney
General of the United States; et al.,

Defendants.

NO: CV-11-3028-RMP

ORDER GRANTING JOINT
MOTION TO DISMISS CLAIMS
AGAINST CITIES OF
KENNEWICK, PASCO, AND
RICHLAND AND GRANTING
MOTION TO EXPEDITE

Before the Court are the joint Motion to Dismiss Claims, ECF No. 152, and
Motion to Expedite, ECF No. 155, filed by Plaintiff Confederated Tribes and
Bands of the Yakama Nation (“Yakama”) and Defendant Cities of Kennewick,
Pasco, and Richland. The Court has read the relevant pleadings and the file and is
fully informed.

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1 The Plaintiff has reached a compromise with the Cities of Kennewick,
2 Pasco, and Richland, and wishes to dismiss all claims against the Cities of
3 Kennewick, Pasco, and Richland with prejudice and without fees or costs to any
4 party. ECF No. 154 at 2.

5 The Court finds that the interests of judicial economy and the agreement of
6 the parties establish good cause to expedite this hearing. Upon a plaintiff's
7 request, an action may be dismissed by court order on terms that the court
8 considers proper. Fed. R. Civ. P. 41(a)(2). The Court finds that the Plaintiff, along
9 with the Cities of Kennewick, Pasco, and Richland, has made such a request and
10 that the requested terms are proper.

11 Accordingly, **IT IS HEREBY ORDERED:**

- 12 1. The Joint Motion to Expedite, **ECF No. 155**, is **GRANTED**. The
13 Motion to Dismiss will be heard without oral argument on September 2,
14 2011.
- 15 2. The Joint Motion to Dismiss Claims Against Cities of Kennewick, Pasco,
16 and Richland, **ECF No. 152**, is **GRANTED**.
- 17 3. Plaintiff's Complaint and any and all counterclaims and/or cross-claims
18 relating to Cities of Kennewick, Pasco, and Richland only are dismissed
19

20 ORDER GRANTING JOINT MOTION TO DISMISS CLAIMS AGAINST
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1 with prejudice and without costs to any party. All other claims against all
2 other parties remain as filed.

3 4. The Defendant Cities of Kennewick, Pasco, and Richland's Summary
4 Judgment Motion and Motion to Dismiss, **ECF No. 95**, is **DENIED AS**
5 **MOOT**.

6 **IT IS SO ORDERED.**

7 The District Court Executive is hereby directed to enter this Order and to
8 provide copies to counsel.

9 **DATED** this 2nd of September, 2011.

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11 *s/ Rosanna Malouf Peterson*
12 ROSANNA MALOUF PETERSON
13 Chief United States District Court Judge
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